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ABSTRACT

Although provisions in countless treaties have mandated Indian educational services, federal and state governments were for many years unenthusiastic about accepting the responsibility for educating the Indian people. Inadequately funded educational services provided by the Bureau of Indian Affairs did little to reflect the realities and needs of the people and Tribes they affected. Yet although the past history of Indian Education has been beset with problems, successful programs are also occurring, and money for the education of Indian children is available to public schools through such legislation as Public Law (PL) 81-815; PL 81-874, Johnson O'Malley funds, and the Indian Education Act of 1972. Other aid sources include Title I, ESEA (Pl 89-10); Title VII, Bilingual Education; the RIF "Reading is Fun" program; and Ethnic Heritage grants. This paper describes each of these funding sources and includes such information as funding formulas, what the funds may be used for, and benefits or shortcomings within the various programs. Some of the most frequently advanced complaints against Indian education programs and legislation are discussed, including (1) inadequate funding levels, (2) misuse of funds, (3) programs not designed to meet local needs, and (4) duplication of services within the various programs. (DS)

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Indian Education:

Funding Sources

for

Public Schools

Barletta L. Lockart
Principles of Educational Finance
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"In our contact with the whites, we have always asked for one thing. We wanted education. You can examine any treaty, any negotiations with the American whites. The first condition specifically asked for by the Indian tribes was education." [1]

Rupert Costo, Cahuilla

INTRODUCTION

Indian education in America has been notoriously ineffective regardless of whether it was offered by the Bureau of Indian Affairs, private or religious institutions, or public schools. The responsibility of educating the American Indian is not one that has been enthusiastically accepted by either the States or the Federal Government.[2] The Federal Government has provided education for Indian children since the 1800's--usually through the Bureau of Indian Affairs (day schools and boarding schools). Although education is the responsibility of the States as implied by the United States Constitution, they have been somewhat reticent to carry out their responsibilities toward Indian children.[3] Some of this reticence has no doubt come from the complexities of Federal policies concerning Indian people. However, treaty provisions found in countless treaties mandate educational services for Indian people, and it is time such provisions were met by both the States and the Federal Government, with attention being paid to Constitutional amendments guaranteeing rights to education and equal opportunity. It is the children that suffer as the result of bureaucratic red tape, and the unwillingness to

provide Constitutionally guaranteed services, and the suffering must end if Indian children are to realize their value and potential.

"...the first Americans - The Indians - are the most deprived and isolated minority group in our nation. On virtually every scale of measurement - employment, income, education, health, - - the condition of the Indian people ranks at the bottom..." [4]

Richard M. Nixon

I

Indian education programs funded by the Federal Government began in the 1870's, but the Government did not start contracting for public school Indian education until 1891.[5] It seems the BIA wasn't certain that it was practical to send Indian children to public schools. It took ten years for Bureau officials to admit that even though the yearly per pupil expenditure was $10.00, the educational results were indifferent.[6] It is the opinion of some that this situation has not changed radically, with the exception of the amount of per pupil expenditure. It has been said that the BIA continues to fund programs that would have been more appropriate to another age and century, and that there is little evidence that the Bureau has made any effort to reallocate funds so that educational results will be optimal.[7] A further indictment of present Indian education programs is that they are conceived in Washington, DC, and do little to reflect the realities and needs of the people and tribes they will be affecting.[8]

The Meriam Report (1928) stressed the need for improvement of the basic educational services provided Indian children, and pointed out the importance of the inclusion of cultural concerns in the education programs. Also stressed

were the need for survival skills curriculum and the development of the Indian communities. [9] Additionally, by 1928 there were more Indian children in public schools than in Federal schools, and by 1930 Federal schools accounted for only 39% of the total Indian enrollment, while public schools accounted for 53% of the total Indian enrollment, or approximately 38,000 Indian children. [10]

From 1930 to 1953 the Education Division of the BIA was the only Federal agency responsible for funds allocated to public schools for Indian education. Since school revenue is often drawn for the most part from property taxes, those school districts located near non-taxable Federal lands (including Indian reservations) suffered a loss of revenue. As a result the BIA paid "tuition" for the Indian children attending public school: this money did not cover the entire cost of educating the children, but made up for the lost revenue. This funding was done district by district throughout the United States, a method that proved extremely unwieldy. [11] In addition, HR 108 (termination), passed in 1953 caused a further influx of Indian children to public schools where the emphasis was on assimilation and the playing down of cultural differences. [12] As a result of the early complexities of Indian education funding, larger Indian populations in public schools, and tribal pressures, more appropriate Indian legislation and programs were developed. These include: Johnson O'Malley (JOM), Indian Education Act of 1972 (Title IV), and Dormitory Operations.(1920). Also given broader interpretation

were PL 81-815 and PL 81-874 (1950).

Before proceeding to the specific programs, some additional recent data might be useful in understanding the Indian population and its relationship to educational services (1976 figures):

325,000	school age Indian children
90%	live in 16 states
80%	attend public school
79%	enrolled in local school districts
15%	enrolled in BIA reservation schools
2%	enrolled in mission/private schools
4%	aren't enrolled in school
66 2/3 %	live on reservations (non-taxable)
$1200	per Indian pupil was expended FY 1974 (Federal Indian Program funds--school districts on or near reservations). [13]

II

It may also be useful to understand why a special educational policy is needed for the education of Indian children. At least one rationale is presented very well by Rosemary Ackley Christensen and William G. Demmert:

> As citizens of the United States, Indians are entitled to services guaranteed other citizens. As aboriginal Natives, Indians surrendered land and other natural resources by treaty to the federal government, usually under duress and with little understanding of the process involved. Indians expected to receive just compensation for these concessions. The American Indian is, there-

> fore, entitled today to funds for construction and operating expenses of his education system. Many people believe that Indian people are getting something for nothing when they receive services from the federal government. This is false. The Indian paid in advance for these services. Many of the small sums of money called for in the treaties attest that Indian people were not interested in money for land ceded to the federal government. The Indians wanted services "as long as the grass shall grow" in exchange for title to the land. One of the services most treaties mentioned was education. Although in the symbolic, beautiful language of our early elders, still the words "as long as the grasses grow and the rivers flow" meant forever. Indians expected services from the government in exchange for the land. Services are what the Indian can expect and has the right to today. Indians no longer have the land base they once had and they cannot pay taxes. But they paid in advance--in blood and land--for the services of education.14

Also, Indian students come up against dissimilar and contradictory educational value claims throughout their lives. 15 Education may not be a traditional value in the Indian child's value system: it is, however, an important item in the value system of the dominant society in America. Indian children who have been raised traditionally may suffer from conflicts over their values and the values promulgated by the Anglo society. The Indian child whose upbringing has been a mixture of tradition and transition will also come into personal conflict with these value systems. These children may need help in examining the differences between the systems, and with learning to understand and cope with these differences. Indian education programs can help Indian children in these areas, and in the area of Indian self-determination.

It may be argued by some educators and other interested persons that Indian children don't need anything more than that which is presently being offered in the schools, or that a minority is a minority, and Indian children can best be served by the same programs that other minority children take part in. Such reasoning is invalid if for no other reason than that the frames-of-reference are not the same for each minority, and therefore the manner in which they experience the world and life are not the same. As a result, methods and approaches to learning must be individualized.

If present public school programs were adequate and appropriate, Indian children's achievement levels would not be 2 to 3 years below white achievement levels, and continue to decline the longer an Indian child remains in school; dropout rates for Indian children would not be twice the national average; more than 1/3 of the Indian population would complete high school; and Indian children would have a better self-image and would not believe themselves to be low in intelligence.[16] Indian children don't necessarily need <u>more</u> than is offered in the schools, but they do need something different. It must be recognized, for example, that compensatory educational programs found in most schools do not meet the special educational needs of Indian children because:

1. Compensatory bicultural programs tend to ignore the unique cultural integrity of contemporary Indian students.
2. Compensatory educational programs are designed to compensate for the non-

Indian structure and do very little to supplement the American Indian structures.

3. Compensatory educational programs are based upon a mythical idealized standard of social and educational behavior against which American Indian "reaction behavior" is measured. [17]

It is hoped that the programs and legislation covered in the coming pages are steps to providing those educational services which will meet the needs of Indian children.

III

In 1950 Congress passed two bills which addressed the unique situations which occur as a result of schools being located on or near Federal lands. These laws are known as the "Federally impacted area" legislation: they are PL 81-815 and PL 81-874.

When these laws were first passed they did not apply to Indian people or Indian lands; they were applied to other Federal lands such as military installations, forest reserve lands, etc.. In 1953 they were amended to include Indian land. As has been mentioned previously, Indian lands are non-taxable, and therefore no tax revenue for the support of public schools can be generated from them through property tax. As a result, school districts near Indian lands, which have Indian students enrolled within the district lose the revenue they would normally garner through taxes on the property of the students' parents. JOM money assists these districts somewhat, but the constraints on JOM funds are not

palatable to school districts. In order to assist these districts, the previously mentioned laws provided funds for:

PL 81-815: school construction for districts with Indian enrollment. This construction is to be only of minimum school facilities (no natatoriums, etc.). Although money is given to districts because of Indian enrollment, the district decides what is to be built.

Funding formula: the increase in the number of Federally connected children multiplied by a percentage of the cost of constructing minimum school facilities in the state in the second preceding year. [18]

PL 81-874: reimbursement of loss in taxes suffered by those school districts that have experienced an increase in Indian enrollment. These funds have in the past gone to general operating expenses for school districts. [19] Amendments in PL 874 and JOM have eradicated duplication of services between the two programs. PL 874 money is to be used for basic support of Indian children, and JOM money is to be used for the special needs of Indian children. [20]
PL 81-874 has four major titles:

Title I: provides assistance for LEAs in areas affected by Federal activity.

Title II: provides financial assistance to LEAs for the education of children from low-income families.

Title III: provides financial assistance to LEAs for the education of Indian children.

Title IV: general: regarding the administration of 874 monies. [21]

Although PL 81-874 passed in 1950, Indian children did not benefit from it until 1958 when PL 85-620 was passed

redefining the term "child" as used in the law. Previously if an Indian child received JOM benefits, he was ineligible for benefits from PL 874 funds.

In the 1970's there were over 66,000 children Federally connected to Indian lands who were claimed by over 550 applicants for financial assistance.[22] While there are seemingly no stringent guidelines regulating expenditures of 874 monies, it is hoped that Indian children benefit from the funds; otherwise there is a moral and legal violation taking place.

IV

Johnson O'Malley (JOM, 1934) established the legality of Federal-State contracts by authorizing the Secretary of the Interior to enter into contracts with any State or territory (also Indian organizations and contract schools) that had the authority to contract for education, agricultural assistance, medical services, and social welfare services. In this way the BIA centralized its contracting on a Federal-State basis. One of the first states to contract with the Federal Government through JOM was New Mexico.

Unfortunately, when the Federal Government contracted with the states, the Government surrendered control and the ability to affect programs. The BIA (from which states or contracting agencies receive JOM funds) exacts no promises from the districts regarding their intentions for use

of the monies. According to Domingo Montoya, National Indian Education Advisory Committee member,

> In New Mexico, neither the Bureau of Indian Affairs} nor the State Board of Education make suggestions as to how the JOM funds should be used. The local boards...spend the money as they wish. The annual reports about JOM money from the states do not explain how the money is used.
> Indian Education Subcommittee Hearings,
> 90th Congress, 1st & 2nd Session,
> Part 1, p. 94, Dec. 14, 1967 [23]

Additionally, there have been charges that the BIA buys political support from the state education agencies by allowing use of JOM funds to subsidize the cost of running public schools. [24] Certainly, there have been problems with JOM funds being misused or inappropriately used, and the weaknesses in part may stem from five reasons:

1. Poor quality of teachers and administrators involved with programs.
2. Hostility from communities toward Indian people.
3. Public school district's desire to get the funding allocation, but not to have the Indian children.
4. The diverse conditions in and among the states.
5. The difficult Federal-State relationship. [25]

As can be seen, the history of JOM has not been without problems. However, there have been changes in guidelines which will alleviate some of the difficulties: Indian people must be involved with the JOM program planning, development, and monitoring, and this participation must be

documented: JOM monies can no longer be used for general operating expenses except under very unique circumstances:

1. The district establishes that it cannot meet applicable minimum state standards without JOM funds.

2. The district establishes that it has made reasonable tax efforts with a mill levy in support of education programs at least equal to the State Average.

3. The district establishes that it has fully utilized all other sources of financial aid including State Aid, 874, etc., and the State Aid contribution must be at least equal to the Average.

4. The district must have at least 70% eligible Indian enrollment in the district or the particular school served. [26]

In other instances, JOM monies are to be used for supplemental (never supplanting) education programs that benefit identified, eligible Indian students. JOM funds may not be used for debt retirement or to replace other Indian money for Indian students. They can, however, be used for Head Start programs, kindergarten programs (in some instances), compensatory programs, counseling, and for employment of teacher aides, home visitors, paraprofessionals in JOM programs. Inservice training for teachers and aides can be paid for out of JOM monies if JOM children will benefit from the service. Johnson O'Malley funds can also be used to meet the special linguistic, cultural, social, and educational needs of an Indian community. Some of the goals of Johnson O'Malley programs can be described as follows:

1. To get services to scattered Indian people who previously had been shortchanged by both Federal and State governments.

2. To promote efficient government by doing away with duplicated services and facilities, and by coordinating services. To develop local local administration in order to minimize expensive Federal overhead and long distance control.

3. To get State governments more involved in meeting the needs of their Indian populations. [27]

The funding formula for Johnson O'Malley programs is basically as follows.

Number of eligible students X State per pupil allowance The allowance for each pupil differs from state to state, although efforts are made to equalize the amount (California per pupil allowance has been $200 in the recent past). Distribution is made to each contractor within the state in order to insure that each will receive approximately the same amount per student. Allocations are based primarily on headcount then. [28]

V

Johnson O'Malley programs are serving Indian people throughout the nation. The other legislation which established programs for Indian people is the Indian Education Act of 1972 (Title IV). These title programs set the precedent for Indian control and participation (this is mandated in the Federal guidelines for the act). This act is con-

sidered by many to be the most comprehensive Indian education legislation in history. It has not been without problems, even from its inception. Although PL 92-318, Indian Education Act was passed in 1972, lawsuits on the behalf of Indian people were required before funds were released in May 1973. Since that time there have been problems with the terminology used in the Federal guidelines (especially with the definition of "Indian"), with the mandated Indian participation, with the tendency of some school districts to interpret "special needs of Indian children" as meaning the need for more Indian arts and crafts classes, with discrepancies in the actual number of eligible Indian students compared with the number claimed by districts, and with the use of earmarked monies for non-Indian students. Regardless of these problems, Title IV programs are maturing and providing Indian children and people with viable and valuable services.

The Indian Education Act of 1972 contains five parts:

Part A: Financial Assistance to LEAs

1. This section amends PL 874, and provides financial assistance to LEAs for the education of Indian children through the development and operation of supplementary elementary and secondary school programs which are designed to meet the special educational needs of Indian children.

2. It provides entitlement funds to LEAs in the amount of the full State Average per pupil expenditure X the total number of Indian children enrolled. Eligibility: the LEA must have a minimum of 10 Indian children enrolled, or the Indian children must make up at least 50% of the district enrollment. FY 73 had $11.5 million avail-

able; FY 74 had $25 million available. Funds can be used for minor remodeling but not major construction; for equipment and materials with minor restrictions.

3. Additionally, 5% of the total national allotment has been set aside for schools on or near reservations which are not LEAs or have not been LEAs for more than 3 years. This was increased to 10% in 1974.

4. All applications under Title IV-A must be approved by the Indian Education Parent Council which is elected by the parents of participating Indian children.

Part B: Special Programs and Projects to Improve the Educational Opportunities for Indian Children

1. This section amends PL 89-10, Title VII, ESEA, and adds a new section (810) which authorizes a series of broad grant programs to Indian tribes, organizations, institutions, Federally-supported schools, and state LEAs.

2. Programs acceptable under Part B include:

   A. Planning, pilot, and demonstration projects which test and demonstrate their effectiveness for improving educational opportunities for Indian children.

   B. The establishment and operation of programs which provide services not otherwise available.

   C. Assistance in establishing and operating pre- and in-service training for personnel serving Indian children.

   D. Programs for the dissemination of information and evaluation of educational programs.

3. Part B was amended by PL 93-380, Title VI, Part C, in 1974 by extending the programs to FY 1978 (this has since been extended again), and by establishing additional requirements for applications from private non-profit elementary and secondary schools.

4. PL 93-380, Part C, also adds section 422- Special Educational Training Programs for teachers of Indian children; and 423- fellowships for Indian students.

5. Part B funds are available on a competitive basis; the amount of allocations is determined annually by Congress (FY 73, $5 million, FY 74, $12 million). Private and parochial schools are eligible for funds as long as the money is not used for the furtherance of religion. Funds cannot be used for construction, but may be used for equipment and materials and for programs for the handicapped.

Part C: Adult Education (this section will not be outlined since we are concerned with grades K-12, primarily. However, funds allocated were: FY 73, $5 million, FY 74 & 75, $8 million).

Part D: Established the Office of Education to deal with Indian Education.

Part E: Miscellaneous Provisions. [29]

In many instances JOM and Title IV programs are run in complementary manners which further increase opportunities for Indian children within a specified area. Since regulations and guidelines for each program are not exactly the same (ie., the eligibility requirements for JOM and Title IV are not the same), a combination of the two programs may not only provide different services, but may reach more Indian children.

VI

Another Federal program that relates to Indian education in public schools but does not provide academic services is the legislation relating to dormitory operations. Services pro-

vided are done so by the BIA. The objective is to provide housing to Indian children who attend public schools in selected districts on or adjacent to the children's home reservation. The Bureau performs boarding, feeding, and counseling services in an attempt to allow Indian children the chance to attend public school.[30] This is a necessary service especially when isolation and distance are factors influencing a child's educational opportunities.

VII

Other programs which may include Indian children in their educational services and programs, but are not exclusively for Indian children include:

1. Title I, ESEA (PL 89-10, 1965)

   This title provides financial assistance to school districts for economically and educationally deprived children who may require extra help to succeed in school. This is the largest Federal education program, and it is the first legislation to consider the needs of children rather than educators.[31]

2. Title VII, ESEA, Bilingual Education

   Monies allocated under this Title are supposed to be used to supplement not supplant, existing bilingual programs or to establish new bilingual progmams where there are none present.[32]

3. RIF "Reading Is Fun"

   This Federally sponsored program provides reading materials and possibly funds to organizations and educational facilities in an effort to get children to read. The children are usually allowed to keep the books.

4. Ethnic Heritage Grants

These grants are available to public and non-public schools, public and private institutions and organizations. The program is concerned with encouraging cultural pride. Funds can be used to train personnel, develop curricula, disseminate materials, or to support a program that focuses on one ethnic group. Funds for FY 77 and 78 were $2.3 million each year. [33]

VIII

Indian education programs and legislation are not without problems as have been presented earlier. To expand a bit further, the most commonly heard complaints include:

1. Funding levels are considered inadequate to achieve the education of large numbers of Indian children.

It is claimed that although there have been a number of laws enacted which provide Federal aid for the education of Indian children within public schools, more funds are needed. Theoretically at least, supplemental funds per child are more than the average total expenditure per child in school districts across the nation (in 1974 public school served 135,000 Indian children and received $52M from ESEA; $42M from 874; $42M from Title IV; and $25M from JOM for a total of over $1200/Indian child). This is misleading, however, because most of this money does not reach the Indian children; the funds are often diluted throughout the district and are used to service all children. [34]

2. Widespread misuse of funds is charged.

Earmarked funds are often used to provide something other than educational services. For example, the NAACP conducted a study of misuse of Title I, ESEA funds by a school district which also claimed an Indian student population. Their assessment showed an appropriation of $158 million/year for Indian education, or approximately $1000/Indian student. However, less than $500 of this per pupil expenditure went for curriculum and instruction; 57% went for supervision. By comparison, New York State's per pupil expenditure is $1120 for education alone. [35]

3. Funding formulae help perpetuate illegal claims of the number of Indian students to be served.

The funding formulae for Indian programs very often include the number of Indian students enrolled as one of the determining factors in the amount of the allocation. School districts have discovered they have a vested interest in keeping Indian children in school for as long as possible and in discovering new "Indians" for funding purposes. [36]

4. Lack of, or inadequate accountability of funds. Indian funds are supplemental monies; they are not to be used by school districts to replace existing programs or to establish new programs which the district has been remiss in offering (unless they are Indian oriented). The funds also are not to be used to generally improve a school or district; they are for educational services for Indian children. [37] It is because of serious misuse in the past that districts must be required to show where and how these funds

were spent.

5. Proposals/programs are not designed to meet the local needs.

The complaint often heard is that programs must be designed to meet Federal guidelines and to satisfy the proposal readers in Washington, DC, rather than to address the many unique circumstances at the local level. It is also felt that the recipients cannot reallocate funds to make the programs more effective. [38]

6. Services are duplicated among the various programs instead of complementing each other.

Program personnel are often not in contact with one another when proposals are written, and services are often duplicated. It is hoped that communication among Indian educators will improve and thereby lessen such duplication.

Conclusion

Money for the education of Indian children is available to public schools in the United States through various pieces of legislation. The history of the application of programs authorized by this legislation is fraught with difficulties and problems, but there have been success stories also. While it is necessary to be aware of these past and in many instances, on-going problems, it is valuable to be aware that there are successful Indian programs throughout the nation also.

Indian educators and educators of Indian children need to be aware of both the negative and positive sides of Indian education so that they may improve their own programs for Indian students.

Indian children are the tribes' greatest resources, and it is hoped that through relevant and appropriate use of legislation affecting Indian education, these resources will be fully developed and their remarkable potential realized. Indian children are not only the "hope of the future" for Indian people, they <u>are</u> the future. We must do everything we can to insure that they are properly prepared for that time.

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